

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

<p>SALA NAAMBWE AND YVETTE NIMENYA,</p> <p>Plaintiffs,</p> <p>vs.</p> <p>SMITHFIELD FOODS,</p> <p>Defendant.</p>	<p>Case No.: 4:17-cv-04123-LLP</p> <p>PLAINTIFFS' RULE 26(a)(3) WITNESS LIST AND EXHIBITS DISCLOSURE</p>
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COME NOW the Plaintiffs in the above-entitled matter, and pursuant to the Court's Scheduling Order dated July 31, 2018 (Doc # 43) and F.R.C.P. Rule 26(a)(3), submit the following list of witnesses intended to be called and exhibits anticipated to be offered by the Plaintiffs at the trial of this matter to be held on October 23, 2018:

Proposed Witness List

- 1) Sala Naambwe, 4901 W. 17th Place, Sioux Falls, SD 57106; (469) 816-7016.
- 2) Yvette Naambwe, 1212 S. Majestica View Place, Apt. # 8, Sioux Falls, SD 57103; (605) 728-9141.
- 3) Lorena Morales, 425 N. Covell Ave., Sioux Falls, SD 57104; (605) 212-3905.
- 4) BJ Motley, 1401 S. Hillview Rd., Sioux Falls, SD 57110; (605) 338-9453.
- 5) Thomas Anderson, 3108 S. Greenwood, Ave., Sioux Falls, SD; (605) 521-6407.
- 6) Scott Genzler, 113 N. 1st Street, Aberdeen, SD 57401; (605) 254-0432.
- 7) Russ Hultman, C/O Smithfield Foods, Inc., 1400 N. Weber, Sioux Falls, SD 57103; (605) 330-8200.

- 8) Monica Derby, C/O Smithfield Foods, Inc., 1400 N. Weber, Sioux Falls, SD 57103; (605) 330-8200.
- 9) Carrie Moate, C/O Smithfield Foods, Inc., 1400 N. Weber, Sioux Falls, SD 57103; (605) 330-8200.
- 10) Scott Reed, C/O Smithfield Foods, Inc., 1400 N. Weber, Sioux Falls, SD 57103; (605) 330-8200.
- 11) Lisa Christion, C/O Smithfield Foods, Inc., 1400 N. Weber, Sioux Falls, SD 57103; (605) 330-8200.
- 12) Becky Kaufman, C/O Smithfield Foods, Inc., 1400 N. Weber, Sioux Falls, SD 57103; (605) 330-8200.
- 13) Ian Strum, 1016 E. 64th Street, Sioux Falls SD 57103; (605) 212-6460.
- 14) Dr. William Fuller, Avera Medical Group Behavioral Health Center, 4400 W. 69th Street, Suite #100; Sioux Falls, SD 57106 (05) 322-4065.

Proposed Exhibit List

Ex. # SUMMARY DESCRIPTION

Deposition Exhibits 1-58, including:

- 1 Nimenya Acknowledgement form
- 2 Smithfield Employee Handbook
- 3 Smithfield Code of Conduct and Ethics Handbook
- 4 Incident intake report form
- 6 Charge of Discrimination
- 7 Incident intake report form
- 8 Reed 3/3/16 email

- 9 Moate 3/4/16 email
- 10 Memo of 3/22/16 meetings (smoke meat wash incident)
- 11 2/15/17 handwritten note
- 12 Photographs of Smithfield workplace
- 14 "Dear management" handwritten document
- 15 HR Incident intake report (2/22/16)
- 16 2/22/16 Genzler warning
- 17 4/4/16 NLRB letter
- 18 Charge of Discrimination
- 19 Naambwe Acknowledgement and Sexual Harassment Training form
- 20 Naambwe TPO documents
- 21 Local 304A Grievance From 8/26/16
- 23 Derby 9/12/16 email
- 24 Smithfield Warning notice
- 25 Smithfield honeyline documentation
- 26 FMLA Notice
- 27 Collective Bargaining Agreement
- 28 Reed 4/4/16 email
- 29 8/23/16 UFCW grievance
- 30 Derby 8/29/16 email

- 31 12/8/16 warning
- 32 UFCW grievance
- 33 7/18/17 UFCW grievance
- 34 9/13/17 email
- 35 1/12/18 email
- 36 1/16/18 warning
- 37 3/27/18 warning
- 38 3/29/18 warning
- 39 4/2/18 email
- 40 4/4/18 incident report form
- 41 12/8/16 warning
- 41 Naambwe 12/8/16 disciplinary action
- 42 2/22/16 warning notice
- 43 8/15/17 incident report
- 44 2/22/16 incident intake report form
- 45 Loger 1/12/17 email
- 46 1/12/17 email
- 47 Argus Leader article posted in facility
- 48 Reed 2/29/16 email
- 49 3/18/16 Summary of events

- 50 3/22/16 documentation smoke meat wash report
- 51 Absence report form
- 52 12/6/16 warning notice
- 53 2/15/17 handwritten notes
- 54 3/22/28 UFCW letter
- 55 4/12/18 grievance
- 56 1/17/18 UFCW grievance summary
- 57 8/15/17 power point
- 58 8/15/17 email
- 59 Olgadez personnel file (disciplinary and termination records)
- 60 Genzler personnel file (disciplinary records)
- 61 Hultman personnel file (disciplinary records)
- 62 Loger personnel file (disciplinary records)
- 63 Kaufman personnel file (disciplinary records)
- 64 Naambwe JM progress notes 2/13-11-17

Smithfield documentation in disclosures SFI N&N 00 143-00348, including:

- 65 Naambwe 8/16/17 return to work authorization
- 66 11/11/16 Fleming email
- 67 11/13/17 incident report
- 68 8/15/17 incident report

- 69 Smithfield Annual Training documents
- 70 Smithfield 2016 "Understanding Workplace Harassment" manual
- 71 4/5/16 Moate email about Salgador discipline
- 72 5/15/17 Moate emails re: Naambwe job/grade pay
- 73 9/16/16 Moate email re: Kaufman disciplinary action
- 74 [Intentionally blank]
- 75 1/18/18 ND email about Naambwe
- 76 4/5/18 Reed "CCP" emails
- 77 4/18/18 Reed Lisa Christion emails
- 78 2/22/16 Hultman email to Moate
- 79 2/22/16 Moate email to Reed
- 80 4/16/18 grievance settlement email
- 81 1/31/18 Reed email and summary
- 82 1/1/18 Feren email about breaks
- 83 1/25/17 Reed email re: Loger grievance
- 84 1/12 17 Loger email about Naambwe/Ogladex
- 85 4/1/16 harrasment concern meeting notice
- 86 3/1/17 mediation notice
- 87 3/28/17 Moate email about Naambwe
- 88 3/27/18 summary and recommendations by Moate

89 8/26/18 Motley & Reed emails.

90 8/29/16 Derby investigation notes

91 8/30/16 Derby investigation notes

92 3/1/17 meeting notice

Smithfield documentation in disclosures SFI N&N 00466-480, including:

93 Naambwe work comp records (excerpted)

UFCW grievances records, including:

94 UFCW grievance form 5/18

95 UFCW grievance form 10/16

96 Strum notes re: Grievance #104/16

97 12/8/16 UFCW notes

98 Naambwe 1/19/18 UFCW grievance

99 Naambwe 3/30/18 UFCW grievance

200 Naambwe 4/11/18 UFCW grievance

201 JM Absence reporting documents from 2014-1/2018

202 8/29/16 UFCW notes

203 12/24/14 UFCW Olgadez/ Naambwe notes

204 12/17 UFCW notes

205 3/27/18 Smithfield Warning to Naambwe (suspension)

206 6/25/18 Medoza warning

Other records

207 Naambwe medical records from Avera Behavioral Health

208 Naambwe 12/9/16 UFCS grievance

209 Current Naambwe payroll records for 2018

210 Current Nimenya payroll records for 2018

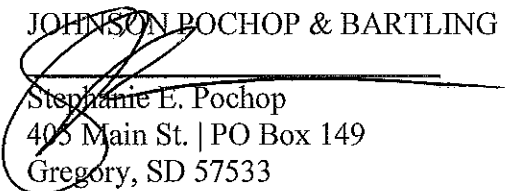
211 Naambwe tax returns 2014-2017

212 Nimenya tax returns 2015-2017

213 Current Smithfield financial reports

Dated this 10th day of September, 2018.

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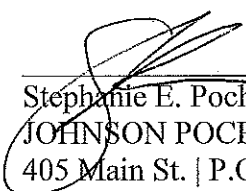
CERTIFICATE OF SERVICE

The undersigned attorney for the Plaintiffs states that on the 10th day of September, 2018, I electronically filed the foregoing with the Clerk of Courts using the CM/ECF system which will automatically send email notification of such filing to the following counsel:

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